

The Law Office of
GLENN J. INGOGLIA
104 Long Beach Road
Island Park, New York 11558
glenn@ingoglia.com

Telephone: (516) 432-0500
Facsimile: (516) 432-7333

Admitted to Practice Law
in the State of New York

June 6, 2025

VIA ECF

Hon. Gary R. Brown, USDJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11717

Re: **DEFENDANTS' PRE-MOTION LETTER AND PRE-MOTION CONFERENCE
REQUEST**

Barahona et al. v. Paradise Tree Service & Landscape Corp. and William Nieto
Case No.: 2:21-cv-05400 (GRB)(LGD)
Bench Trial : May 12, 2025
Decision Entered: May 13, 2025

Dear Judge Brown:

Regarding the above matter, this office has been recently retained to represent the Defendants' interests. On Monday, June 9, 2025, I intend on filing motions on behalf of the Defendants as outlined below. In summary, the motions shall seek relief in the form of ordering a partial new trial on the Plaintiffs' second cause of action, in which the Plaintiffs were awarded damages as against the defendants. The motions will also seek relief in the form of partially amending, revising, the findings of fact and conclusions of law regarding the same cause of action and all other causes of action dismissed without prejudice. Moreover, I will also be moving to vacate and set aside the default issued to the corporate defendant, Paradise Tree Service & Landscape Corp., as well as amending the findings of fact, conclusions of law, regarding both defendants.

I am aware that Your Honor's Rules do not require me to request a pre-motion conference regarding most of the types of motions I intend to file. I understand should the Court not deem a pre-motion conference necessary. Also, the time allotted to me to file some of these motions, upon

information and belief, expires this Monday, June 9, 2025. A brief outline of the motions which I intend to file on Defendants' behalf, are as follows:

- Pursuant to FRCP R 59 and 59(a)(2), seeking an Order granting a partial new trial solely limited to retrying Plaintiffs' Second Cause of Action, which was granted and awarded the Plaintiffs damages, after the first trial. The Defendants also seek the opening of the current Judgment, the taking of additional testimony, introduction of new evidence, amending of the findings of fact and conclusions of law and entering a new judgment based on the new verdict; and to set aside and vacate the current verdict, order and judgment as it pertains to awarding damages to the plaintiffs and dismissing claims without prejudice.
- Pursuant to U.S. CONST. AMEND. VII and FRCP R 39 and 39(b), seeking a jury trial for any new partial trial or hearing granted pursuant to the Defendants' applications.
- Pursuant to FRCP R 55 and 55(c), vacating and setting aside the Default and any default judgment against the corporate defendant, Paradise Tree Service & Landscape Corp., restoring the corporate defendant's Answer and setting aside the judgment against William Nieto.
- Pursuant to FRCP R 60 and 60(b)(c)(d)(e), partially set aside the final trial verdict of May 12, 2025, and any resulting judgment awarding the plaintiffs damages as against the defendants and also vacate the default of the corporate defendant.
- Pursuant to FRCP R 62, to stay enforcement of any judgment or order against the defendants resulting from the trial verdict/order or default, until further order from this Court or another Court of competent jurisdiction.
- Pursuant to FRCP R 52 and 52(a)(5)(6) and 52(b), seeking the Court's partial amendment and/or addition to its findings and conclusions stated in its decision after the trial of May 12, 2025, as well as questioning and setting aside the partial findings as they relate to granting plaintiffs' second cause of action, awarding the plaintiffs damages and regarding all claims dismissed without prejudice.

Thank you, Your Honor, for your attention to this matter.

Respectfully submitted,

Glenn J. Ingoglia

Glenn J. Ingoglia

c.c.: VIA ECF and steven.moser@moserlawfirm.com
Steven J. Moser, Esq.
Moser Law Firm, P.C.
Attorney for Plaintiffs